

Remarks

The Office Action found claims 34-44 allowable, found that claims 15-18, 22-25, 29-32, and 45 contained allowable subject matter if rewritten, and rejected the remaining claims based on U.S. patent 4,272,019 ("Halaby") alone, or Halaby in combination with other art. In view of the above amendment and the following remarks, reconsideration is respectfully requested.

Allowed Claims

Claims 34-44 have not been amended, and thus should remain allowable. Claim 48 has been made dependent on claim 44, and thus should also be allowable.

Objected To Claims

The subject matter of claims 15-18, 22-25 (and also 21), 29-32 and 45 (all but claim 21 previously indicated to contain some allowable subject matter if rewritten) has now been rewritten. Note that:

(a) With respect to the claim 22 and 23 indication of allowability, Applicants believe that the examiner might also have meant to include claim 21, as the Ask reference did not appear relevant to claim 21 subject matter and the examiner's comments regarding that reference did not mention claim 21 subject matter. Hence, claim 21 was the one made independent. Further note that when presenting the claim 21-23 subject matter in rewritten form Applicants did not also incorporate claim 2/3/14 subject matter, as the amendments made were believed sufficient to support patentability.

(b) When presenting the claim 24 and 25 subject matter in rewritten form Applicants did not also incorporate the claim 2/3/14 subject matter, as the amendments made were believed sufficient to support patentability.

(c) When presenting the claim 29-32 subject matter Applicants did not require the claim 2/28 subject matter, as the amendments made were believed sufficient to support patentability.

(d) When presenting the claim 45 subject matter, the claim 2 cleanser feature was not incorporated, as the amendments made were believed sufficient to support patentability.

§ 103 Rejections

Claim 47 has now been made dependent on claim 1. The amendment to claim 1 is supported by the specification (e.g. paragraph [0016] with respect to the use of a motorized head), as well as some of the subject matter in claims 47 and 48.

The amendment to claim 7 is supported by paragraph [0012]. The amendment to claim 46 is supported by paragraph [0016] and a portion of the subject matter of original claim 47.

It is respectfully contended that the art does not render claims 1-14, 19, 20, 26-28, 46 or 47, as amended, obvious. For one thing, these claims now recite the motorized nature of the spray head. The Halaby spray head is fixed in position when in use. Column 10, beginning at line 60, of the Halaby specification emphasizes the fixing of the device in place.

The purpose of the Halaby device is to atomize materials for distribution in the atmosphere of an area such as a cattle barn. The air in the room acts to more fully distribute the material once sprayed. Hence, there is no motivation to modify the fixed spray head of Halaby to make it a motorized one.

Applicants next note that claim 7 required a timer for delaying activation of the spraying cycle after initiation. The Office Action rejected claim 7, claiming that Halaby must inherently have a slight delay in activating metering because there is activation of a pump. The reference does not discuss this, and whatever miniscule delay there might be, it is not caused by a timer. The controller of the device merely decides when the device is to be turned off once it is activated. It does not create an independent delay after the device has been activated.

In any event, it does not create a delay for a predetermined time. This is desirable to permit one to exit the enclosure after activation without being sprayed. Nothing in the cited references suggests this. Of course, claim 7 is also dependent on claims which should be held allowable in their own right. Thus, claim 7 should be allowable wholly apart from the time delay feature.

With respect to claim 46, that claim now requires the device to be suitable for being powered with a battery. While original claim 47 mentioned the presence of a battery, and while that claim was rejected, the Office Action gave no explanation of how the art suggested a battery in an analogous context. Applicants do not find a teaching in either Halaby or Hirst suggesting the use of a battery, much less the use of one in an analogous context.

The use of an independent power source not dependent on building power is a desirable advantage in the context of a shower enclosure cleaner. Using a power cord (like cord 55/57) of the Halaby device, and requiring a power outlet for its use, to attach such a device to building power would be dangerous in a shower environment, and not something the art would look to for that application.

In sum, Applicants believe that the previously allowable claims remain allowable, the claims previously indicated to contain allowable subject matter have now been rewritten in appropriate form to sustain allowance of them, and that all other remaining claims have now been amended to further support patentability.

Conclusion

Amended claims 1-32 and 34-48 are now believed to be in condition for allowance, and allowance is respectfully requested. Seven additional independent claims are now presented. Hence, please charge Deposit Account 17-0055 for \$602 for the amount of the fee therefor. Apart from this, no additional fees are believed to be required for entry of this

amendment. However, should any additional fees be needed, please charge Deposit Account No. 17-0055 for the amount of the fees.

Respectfully submitted,
BRIAN K. LINSTEDT ET AL.

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By: _____

Carl R. Schwartz
Reg. No. 29,437
Quarles & Brady LLP
411 East Wisconsin Avenue
Milwaukee, WI 53203
(414) 277-5715

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